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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM, INC. a/k/a INHERENT, INC., Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXUS INC., and DOES 1 through 200 inclusive, Defendant.	Docket No. C 3:05-cv-03515 MHP **DECLARATION OF DEBRA KAMYS INTRODUCING NEW EVIDENCE**

I, DEBRA KAMYS, declare as follows:

1. I am the president of Inherent.com, Inc. a/k/a Inherent, Inc. (hereinafter "ICI"), the plaintiff in the above entitled lawsuit.

2. I make the following statements from personal knowledge, unless otherwise stated. I can and will testify competently to the matters stated herein if called upon to do so.

3. I am related to Patrick E. Catalano by marriage. He is my husband's uncle.

4. Mr. Catalano filed this action based on the merits of the case, not my familial relationship.

Dockets.Justia.com

5. ICI has moved its principal place of business from Oregon to Suite 333, 781 Beach Street, San Francisco, CA.

6. I sold my home in Oregon and purchased a new home in Marin County, California.

7. The following is offered to prove that ICI's moved to San Francisco is legitimate and that ICI is now principally located in San Francisco:

a. I am originally from the San Francisco area and have family in the area.

b. I attended college at UC Davis and received my Masters degree at the University of San Francisco.

c. My children are enrolled in and attend primary school in the San Francisco Bay area.

i. I can and will provide proof to the Court of the following if required:

1. The sale of my primary Oregon residence, and

2. Subsequent purchase of my new primary residence in California;

3. Contact information to the primary schools that my children attend in the San Francisco Bay area.

d. Prior to any negotiations with Martindale Hubbell regarding ICI's acquisition, ICI had been discussing the possibility of relocating to the San Francisco Bay area. Strategically, relocating to San Francisco was attractive because several of ICI's largest clients are also in located in the San Francisco area.

8. ICI has forwarded all mail from its Oregon address to its new address of Suite 333, 781 Beach Street, San Francisco, CA 94109. A true and correct copy of the United States Postal service mail-forwarding stamp is attached as proof (See Exhibit A).

9. ICI has informed all of its clients about ICI's relocation to San Francisco.

10. ICI was issued a business license by the City of San Francisco. A true and correct copy of ICI's business license is attached as proof (See Exhibit B).

11. ICI receives all of its correspondence at its new address of Suite 333, 781 Beach Street, San Francisco, CA 94109.

12. ICI is subleasing office space from the Law Offices of Patrick E. Catalano at Suite 333, 781 Beach Street, San Francisco, CA, and is negotiating a lease for permanent office space in the Embarcadero Center in San Francisco.

13. ICI has not obtained a permanent telephone number yet, because we have not located permanent office space. Nonetheless, I can be contacted at ICI in San Francisco at (415) 632-8108.

14. ICI's website is going through a period of redesign as a result of ICI's relocation to San Francisco.

15. ICI's new address and contact information is currently being updated on ICI's website and should be finalized by October 31, 2005.

16. I am the only full time employee in San Francisco.

17. ICI no longer maintains office space in Portland, Oregon.

18. Prior to litigation, in an attempt to resolve this dispute amicably and ascertain Martindale-Hubbell's position, Inherent.com sent a letter to Martindale-Hubbell. This letter detailed the events that led up to the breakdown of the parties' agreement. Further, it advised Martindale Hubbell of ICI's intention to file suit on July 18, 2005 if the issues therein could not be resolved. A true and correct copy of this letter is attached as proof (See Exhibit C).

19. Martindale Hubbell never contacted Inherent to discuss or remedy any issues raised by ICI regarding this matter. Furthermore, Martindale never hinted at suit, prior to the filing of their July 18, 2005 action.

20. All corporate business such as payroll, client correspondence, and mail service for ICI takes place at ICI's San Francisco office.

21. On September 22, 2005, in a letter to the New Jersey District Court regarding a related matter, Reed Elsevier v. Inherent.com, plaintiff's counsel intimated that ICI was venue shopping and for this reason, ICI filed suit in California. This assertion is totally false and incorrect.

22. The Law Offices of Patrick E. Catalano and ICI have a long-standing business relationship, the Law Offices of Patrick E. Catalano and ICI have worked together on several other matters for ICI in the past. This is a continuation of that relationship.

23. As stated above, in early July, ICI advised Martindale of its intention to file suit in California, as ICI had relocated to California, subsequently, Reed ran to the New Jersey courthouse to file suit before ICI filed its papers in California.

24. Martindale Hubbell is a subsidiary of Reed Elsevier. Reed Elsevier is a global, public corporation with revenue totaling over one billion dollar. (See Exhibit D)

25. Inherent.com's revenue is under 1 million dollars.

26. ICI will suffer increased financial hardship if it is forced to pursue this case outside of California.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed this 28th day of October 2005, at San Francisco, California.

Debra Kamys